***THE HON'BLE SRI JUSTICE R.SUBHASH REDDY***

**W.P.No.25238 of 2007**

**DATED:29.11.2007**

BETWEEN:

Smt.Sankuru Bharati.

..Petitioner

And

Chief Accounts Officer and others.

..Respondents

***THE HON'BLE SRI JUSTICE R.SUBHASH REDDY***

**W.P.No.25238 of 2007**

**ORDER:**

In this Writ Petition, the petitioner seeks a *Mandamus* declaring the action of the respondents in not disbursing the benefits, accrued on account of the death of her husband, by name, Sankuru George Wilson, as illegal and arbitrary.

The husband of the petitioner was an employee of BSNL and he died, while in service. It is the case of the petitioner that though certain benefits are payable on account of the death of her husband, the same are not being paid to her, by the respondents. It is also stated that a third party has filed a suit, being O.S.No.75 of 2004 on the file of the learned Senior Civil Judge, Gurajala, for recovery of a sum of Rs.1,18,400/-, against the petitioner; and in I.A.No.452 of 2004, he obtained an order of attachment. In pursuance of the said order, the 1st respondent-Chief Accounts Officer, Pay and Accounts, sent a letter, dated 18.10.2004, to the learned Senior Civil Judge, giving the details of the amounts, which are attachable, and which are not. In spite of the same, no steps are being taken by the respondents, for disbursing the death benefits of the husband of the petitioner.

Even according to the petitioner, the attachment order, passed in I.A.No.452 of 2004 in O.S.No.75 of 2004 by the Senior Civil Judge, Gurajala, is still in force.

In that view of the matter, it cannot be said that the respondents withheld the death benefits of the husband of the petitioner, on their own accord. It is stated that certain amounts are not liable for attachment,
in view of proviso to Section 60 of the Code of Civil Procedure, 1908. It is for the petitioner to put forth her defence and seek a direction to raise the attachment order, passed in I.A.No.452 of 2004.

Inasmuch as it is stated that the I.A. is of the year 2004, and it is still pending consideration, I direct the learned Senior Civil Judge, Gurajala, to dispose of I.A.No.454 of 2004 in O.S.No.75 of 2004, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that the learned Senior Civil Judge, shall consider and pass orders in the said I.A., on its own merits, uninfluenced by any of the observations made in this order.

Subject to the above directions, the Writ Petition is disposed of. No order as to costs.

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***R.SUBHASH REDDY, J***

Dt.29.11.2007

Note:

1. Office to mark a copy of the order to the Senior Civil Judge, Gurajala.
2. Furnish C.C. in three days.

(B/o)
GJ